

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SMITH PERCINTHE,

Plaintiff,

- against -

PAUL E. JULIEN, et al.,

Defendants.

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SHIRA A. SCHEINDLIN, U.S.D.J.:

**NOTICE OF PRE-TRIAL
CONFERENCE IN A
PRO SE ACTION**

08 Civ. 893 (SAS)


A pre-trial conference has been scheduled for July 22, 2008, at 4:30 p.m. in Courtroom 15C of the United States Courthouse, 500 Pearl Street, New York, New York. The conference will cover all matters discussed in Federal Rule of Civil Procedure 16 and the current status of the case. With the exception of pro se prisoners, you, or an attorney if an attorney is representing you, are directed to appear at that date and time. It is the responsibility of a pro se party to immediately inform Judge Scheindlin of any change of address.

In the event that you are incarcerated and cannot appear, you may sent a representative, such as a family member or friend, to appear in your place. Should you choose not to send a representative, you will be sent a transcript of the conference. Participation by telephone conferencing is not permitted. **If any party, except a pro se prisoner, fails to appear at the conference or send an**

attorney, the action may be dismissed.

Pursuant to Fed. R. Civ. P. 16(f), the parties shall meet, either in person or telephonically, prior to the date of the conference to discuss the nature and basis of their claims and defenses, to develop a proposed discovery plan, and to explore the possibility of a prompt settlement. Defendants' counsel is directed to jointly prepare the above referenced Scheduling Order with plaintiff prior to the date of the conference. At the conference, the parties should submit a proposed scheduling order on the form attached hereto. **YOU MUST BRING A COMPLETED SCHEDULING ORDER WITH YOU TO THE CONFERENCE!**

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 20, 2008

- Appearances -

Plaintiff (Pro Se):

Smith Percinthe
03-A-3595
Oneida Correctional Facility
P.O. Box 4580
6100 School Road
Rome, NY 13442

For Defendants:

Susan H. Odessky
Assistant Attorney General
120 Broadway
New York, NY 10271

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
	:	SCHEDULING ORDER
Plaintiff,	:	
	:	Civ. (SAS)
- against -	:	Conference Date:
	:	
	:	
Defendant(s).	:	

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WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on _____ (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
- (2) a concise statement of the issues as they then appear;
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
 - (b) a schedule for the production of documents;
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
 - (d) time when discovery is to be completed;

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

(7) anticipated length of trial and whether to court or jury;

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.